

BOARD NEWS



CALIFORNIA DEPARTMENT OF CONSUMER AFFAIRS

NOVEMBER 2000

Inside . . .

State Offices Closed	2
Are You Scheduled for an Examination?	2
Ask the Chief	3
What's Your License Number?	3
Dual Employment	4
WDO Activity Report Filing Program ...	4
Real Estate Rebates	4
Office Records Inspection Automation ...	4
Administration Unit Change	5
Licensing Unit Changes	5
Mission and Vision Statements	6
Board Disciplinary Actions	6
Disciplinary Terms	7
Are You a Pest Control Expert?	
WE NEED YOU!	7
Delinquent Renewals	8
2000 Examination Calendar	8

BOARD APPOINTS NEW REGISTRAR

Saylor Assistant Registrar

Effective August 17, Department of Consumer Affairs' Director Kathleen Hamilton approved the Structural Pest Board's appointment of **Kelli Okuma** as Registrar. She replaces Donna Kingwell, who resigned on May 31, 2000. Okuma had served as Assistant Registrar for the Board since 1987.

Susan Saylor has been appointed to the position of Assistant Registrar. Saylor was first hired by the Board in 1997 as Budget Liaison and has since had oversight responsibility for the Licensing/Examination programs.

Board Fees Restructured

During the Structural Pest Control Board's Sunset Review hearings this past winter, the Joint Legislative Sunset Committee recommended the elimination of Wood Destroying Pest/Organism filing fees and recommended that the Board restructure other licensing and examination fees in order to maintain current revenue. Based on this recommendation, the Structural Pest Control Board held a special meeting in May 2000 to discuss the restructuring of fees. The Board voted to proceed with legislation that will eliminate the filing fee for Wood Destroying Pest/Organism activities. Proposed restructuring of other fees collected by the board, are as follows:

Company Registration	\$ 300.00
Branch Office Registration	\$ 300.00
Company and Branch Annual Renewal	\$ 300.00
Operator Examination	\$ 75.00
Operator License	\$ 200.00
Field Representative Examination	\$ 75.00
Field Representative License	\$ 100.00
Applicator Examination	\$ 30.00
Applicator License	\$ 40.00
Pesticide Use Stamp Fee	\$ 25.00

This proposal will begin the normal legislative process in 2001. If approved, the effective date for the new fee structure will be approximately January 2002.

STRUCTURAL PEST CONTROL BOARD NEWS

Gray Davis

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State of California

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Department of Consumer Affairs

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Registrar

Standing Committees

Disciplinary Review

Laws & Regulations

Research Advisory

Sunset Review/Strategic Planning

Technical Advisory

Select Committees

Inspection Report

Termite Bait Station

(If you are interested in serving on one of these committees, please submit a request in writing to the President in care of the Board.)

The SPCB News

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Structural Pest Control Board

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Administration: 916-263-2540

Licensing: 916-263-2544

Facsimile: 916-263-2469

Website: www.dca.ca.gov/pestboard

STATE OFFICES CLOSED

The SPCB office will be closed on the following state holidays:

November 23rd & 24th Thanksgiving (Thursday & Friday)

December 25, 2000 Christmas (Monday)

If you call the Board on a state holiday, you will be greeted with the Board's voice mail. Please do not hang up. Instead, leave your message on the voice mail. The message will be retrieved on the next workday.

To leave a message call: (916) 263-2540 Administration
(916) 263-2544 Licensing
(916) 263-2533 Complaints/Enforcement

Remember to speak clearly and slowly when leaving your message. Be sure to include your name and telephone number. Note: The Board will not be able to return phone calls to blocked numbers.

To receive Structural Pest Control Board meeting notices and agendas, please print your name and address and submit to:

Structural Pest Control Board
Attention: Pat Pendleton
1418 Howe Avenue, Suite 18
Sacramento, CA 95825

Your name will be placed on the Board's mailing list. 🌿

Are You Scheduled for an Examination?

If you are scheduled for an upcoming Branch 2 test, we have just the thing for you. The Office of Examination Resources, in conjunction with the Board, has just completed the Operator and Field Representative Branch 2 Candidate's Handbooks. These handbooks give candidates an insight to the application process, from eligibility to special accommodation rights; information on the definition and scope of knowledge necessary in order to pass the examination; and information regarding admittance material required, time limits for the examination, and security guidelines. In addition, the handbooks provide information on passing score criteria, release of results, and the licensing process.

The Board automatically sends these handbooks to new applicants who are applying for a Branch 2 operator or field representative examination, or you can contact the Licensing Unit at 916-263-2544 and request that a handbook be sent to you. 🌿

Ask the Chief . . .

by *Dennis D. Patzer*

Q May I put a section 8519 (b) or (c) certification statement on a Wood Destroying Pests and Organisms Report?

A No, an inspection report may have either a section 8519(a) certification statement or no statement. Section 8519(b) and (c) certification statements are for inclusion on Standard Notices of Work Completed and Not Completed only.

Q How much time do I have to provide a copy of a termite report or completion notice to the board upon request?

A Section 8516 of the Business and Professions Code requires a licensee to provide a copy of a termite report or completion notice to the Board within two business days.

Q May I submit my Wood Destroying Organism activities on a copy of the Board-provided form?

A No, you may only use the forms provided by the Board. All other forms will not be recognized by the system and rejected. Reports submitted on an improper form will be considered late.

Q Will the Board accept a complaint from a consumer who knew about an existing condition prior to the close of escrow and purchased the property anyway?

A The knowledge of a condition prior to the close of escrow does not preclude the Board from accepting and /or investigating a complaint. Prior knowledge of a condition by a consumer does not exempt a registered company or licensed termite inspector from responsibility to perform a proper inspection.

WHAT'S YOUR LICENSE NUMBER?


Have you submitted your license application but haven't received your license yet?

Licensing applications are generally processed within ten business days from the date received by the Board. Once your application has been received and approved, staff enters the information into the licensing database and requests that your license be issued and mailed. The

licensing database, in turn, is interlinked with the Internet, which is updated nightly. This process gives consumers and licensees the most up to date information available.

So, if you've applied for your license and haven't received it yet, check the Internet. You can reach the License Look-up program from the Board's home page at www.dca.ca.gov/pestboard.

Reminder to All Licensees

When you change your address or employment, you must notify the board of the change within ten (10) working days. Failure to notify the board could lead to renewal information being sent to the wrong address. If your renewal application is not submitted to the board during the specified time period, your license will not be renewed and could be canceled. 

DUAL EMPLOYMENT

The Board has recently received several inquiries regarding dual employment. Dual employment is permissible under the following conditions:

Applicators—

Dual employment allowed with notification to the Board.

Field Representatives—

Dual employment allowed with notification to the Board.

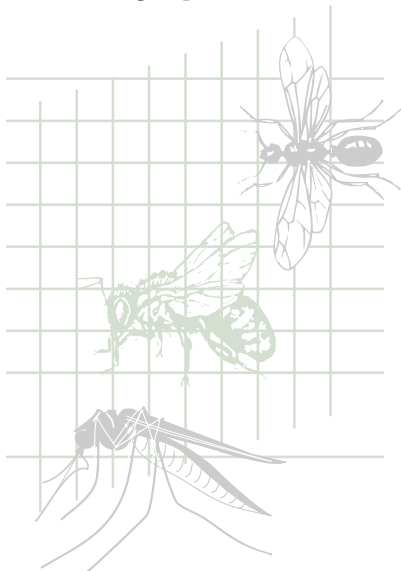
Non-Qualifying Operators—

Dual employment allowed with notification to the Board if working as non-qualifying operator or as a field representative or applicator.

Qualifying Manager Operators—

Dual employment allowed with notification to the Board if working for another registered company in the capacity of a field representative, applicator, or as a non-qualifying operator. Operators cannot work as a qualifying manager for another company, unless that company is a DBA of operator's own company.

If you need a Dual Employment form, you can print the form from the website at www.dca.ca.gov/pestboard.



WDO Activity Report Filing Program

On June 5, 2000, Board staff met with software developers regarding wood-destroying pest and organism reports for the industry. The Board instituted a program to certify vendor Activity Report filing programs. Vendors will be required to submit their programs to the Board for determination of compatibility. When a program is determined to be compatible the vendor program will be assigned a certification number. Only programs certified by the Board will be accepted for uploading. If you have any questions regarding the vendor certification program, please contact Dennis Patzer, the Board's Chief Enforcement Officer.

REAL ESTATE REBATES

The Structural Pest Control Board has now learned that real estate companies are offering Board licensees the opportunity to become members of a select referral service for a fee. The purpose of belonging to the service is to obtain termite inspections and repair services. Section 8640 of the Business and Professions Code prohibits any licensee or registered company from offering payment to any party to a real estate transaction to secure work. Inducements include commissions, bonuses, rebates, gifts, and discounts on other services

Office Records Inspection Automation

Structural Pest Control Board Specialists now have a new tool for field inspection form processing. All specialists have been provided with laptop computers, portable printers, and a field inspection form program. Inspection forms will be generated

and printed in the field. The field inspection program consists of a database that allows weekly downloads to the Board for inspection analysis and processing of citations for the Board's cite and fine program. 🐛

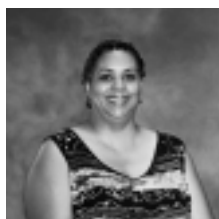
Administration Unit Change

Delores Coleman became an Administrative Analyst in January 2000. She transferred from the Complaint Unit, where she served as a Consumer Services Representative for seven years. As an analyst, Coleman is responsible for filing changes to the Board's regulations, publishing the Board's newsletter, and coordinating the occupational analyses and license examination development.



LICENSE UNIT CHANGES

Janene Claytor has transferred from the records storage unit to the licensing unit. She is responsible for monitoring the bonds and insurance requirements for all structural pest control companies under sections 8690, 8697 and 8697.3 of the Structural Pest Control Act. Claytor says that to avoid company registrations and operator's licenses placed on bond/insurance suspension, companies should submit the proper insurance and bonding paperwork to the Board to update canceled or expired policies.



Sally McLinden has also transferred from the records storage unit to the licensing unit. She reviews examination applications and schedules applicants for the field representative and operator examinations in northern and southern California. McLinden says applications should be filed out completely. She asks that applicants be sure to include the required photograph. Unattached small pictures are easily overlooked in mailing envelopes and if paper-clipped, fall off before processing is completed.



Examination applications do include a self-addressed mailing card. McLinden encourages applicants to include their name and mailing address and to be sure to include a mailing card for each branch examination. Persons retaking the examination should use the re-examination application, not the initial examination application. Re-exam applicants should complete the application by including the date last tested.

MISSION AND VISION STATEMENTS

MISSION

The Structural Pest Control Board exists to protect and provide redress to the consumer of structural pest control services and is committed to the public's health, safety and welfare.

VISION

To continue to improve and assure the protection of the public in the rendering of structural pest control service.



In the matter of the applications for the issuance of a Branch 2 and 3 field representative's license submitted by **Jay Harold Jones of Chino**, the Board adopted the Administrative Law Judge's proposed decision to deny the license. The applicant failed to meet the criteria for rehabilitation with regards to his convictions of crimes, which are substantially related to the qualifications, functions or duties of a licensed pest control field representative. The Decision was effective February 24, 2000.



The company registration certificate of **ABC Exterminators** (PR-2059, Branches 2 and 3) and operator's license of **Gerardo Muro** (OPR-8576, Branches 2 and 3) of Imperial, were both revoked by Default Decision. Respondents violated the terms and conditions of probation by failing to file quarterly reports, failing to make cost recovery payments, and failing to pay the \$125 inspection fee as required in Accusation No. 97-27. The Default Decision was effective February 24, 2000.



In the matter of the application for the issuance of a Branch 3 operator's license submitted by **Ronald C. Roth** of Paso Robles, the Board adopted the Stipulated Settlement which reinstated Roth's field representative's license and placed it on three years' probation and subject to the terms and conditions including a requirement that he complete a Branch 3 Board-approved course within the first year of probation. Under the decision, Roth may, after one year of the effective date of the Stipulation, take the examination for operator's license in Branch 3 and, if successful, be eligible for a Branch 3 operator's license. The Branch 3 license would be placed on probation for two years. The Stipulated Settlement was effective February 25, 2000.

In the matter of the application for a Branch 3 field representative's license submitted by **Larry Greene** of Sherman Oaks, the Board adopted the Stipulation which grants the issuance of a license. Green will immediately be placed on three years' probation, required to file a \$500 restoration bond and file quarterly

BOARD ACTIONS

November 28, 1999, to May 15, 2000

reports with the Board. While holding a field representative's license, Respondent committed acts involving dishonesty, fraud, or deceit with the intent to substantially benefit himself. The Stipulation was effective March 15, 2000.



The company registration held by **L. B. Elms Termite Control** (PR-2230, Branch 3) and the operator's license held by **Lonnie Benson Elms** (OPR-8943, Branch 3) of Santee were revoked as a result of a Default Decision and Order. Respondent failed to report evidence of subterranean termite damage, departed from accepted trade standards for good and workmanlike construction, failed to obtain a building permit prior to commencing work, and failed to post a tag indicating the chemical(s) used to treat subterranean termites. The revocations were effective May 4, 2000.



The company registration issued to **Guardian Termite Control** (PR-869, Branch 3) and the operator's license held by **Ernest Slocum Ferguson** (OPR-4924, Branch 3) of Sacramento, were each suspended for fifteen days and placed on three years' probation. The Stipulation also required Respondents to pay restitution to the homeowner in the amount of \$18,420 and reimburse the Board for investigative costs in the amount of \$4,400. In addition, Respondents must post a \$3,000 restoration bond, complete Board approved courses in rules and regulations, business ethics, and Branch 3 termite inspection procedures, and file quarterly reports with the Board. Respondent furnished a Notice of Work Completed and Not Completed prior to the completion of the work specified

and failed to report inaccessible portions of the subarea. Also, Respondent was guilty of gross negligence by failing to report evidence of wood-boring beetle damage. The Stipulation was effective May 10, 2000.



The company registration held by **Osten Enterprises, Inc. dba Good Buy Termite** (PR-2217, Branches 1 and 3) and operator's license held by **Thomas Charles Osten** (OPR-6208, Branches 1 and 3) of Montclair were suspended for five days and placed on three years' probation. Respondent chose to pay a \$1,000 civil penalty in lieu of the five-day suspension. Respondent is also required to file quarterly reports with the Board, complete a Branch 3 Board-approved course in rules and regulations and business ethics, reimburse the Board for the cost of quarterly inspections during the period of probation, and file a \$1,000 restoration bond. Respondent furnished a Notice of Work Completed and Not Completed prior to the completion of the work specified in the contract. The Stipulation was effective May 10, 2000.



In the same matter, the license held by **Doyle Leeroy Harwood** (FR-24978, Branch 3) was suspended for 15 days and placed on three years' probation. Respondent paid a \$1,000 civil penalty in lieu of the 15 days' suspension. Respondent must file quarterly reports with the Board, complete a Branch 3 Board approved course in rules and regulations and business ethics and post a \$1,500 restoration bond. The Stipulation was effective May 10, 2000.



DISCIPLINARY TERMS

PROBATION—A result of a disciplinary action whereby a suspension or revocation of a license is ordered but does not take effect. It is a designated period of time the license/registration is monitored by the Board for compliance with the laws and conditions of disciplinary order.

ACCUSATION—The state or fact of being accused of violations resulting from a complaint, charge, citation and/or allegation.

REVOKED—Through administrative proceedings the license/registration is no longer valid and the right to practice structural pest control is ended.

REVOKED, STAYED, PROBATION—The revocation does not take effect, but the license/certificate is placed on probation. Professional practice may continue during probation as long as licensee complies with probationary terms and conditions. Violation of probation may result in the imposition of the revocation.

GROSS NEGLIGENCE—An extreme departure from the standards of practice.

LICENSE SURRENDER—As a result of a pending accusation, a licensee returns the license/registration to the Board, and the rights to practice are ended.

DEFAULT DECISION—A disciplinary decision issued by the Board after the filing of an accusation and Respondent(s) fails to respond by filing a Notice of Defense or fails to appear before an Administrative Hearing.

EFFECTIVE DECISION DATE—The date the disciplinary decision goes into effect.

Are You a Pest Control Expert? WE NEED YOU!


The Structural Pest Control Board, in a continuing effort to maintain a high quality of examination material, is looking for Subject Matter Experts (SMEs) to participate in workshops. These SMEs will define, write, and review potential examination item material. Your participation will enhance the external validity of the overall examination process. We are currently requesting applications from all interested licensees, excluding instructors.

The workshops are either one or two days in length, and the hours are from 8 a.m. to 5 p.m. each day. Workshops are scheduled in the downtown Sacramento area.

Airfare will be paid for participants who must fly to and from Sacramento. SMEs will be reimbursed at the government rate

for lodging, meals, parking, mileage, and incidentals, based on a claim form you submit after the workshop. Blank travel expense forms can be faxed prior to the workshop or obtained at the workshop site. In addition to your travel expenses, you will receive an honorarium of \$100 for each day you participate as an SME. The reimbursement process takes approximately six to eight weeks.

If you would like to participate, please complete the form below and return it to the Board as soon as possible.

Please Note: Completion of the information form does NOT commit you to this project, nor does it guarantee that you will be selected. If you have any questions regarding this process, please call Delores Coleman at 916-263-2540. 

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Licensee's Name: _____

Business or Employer: _____

Address: _____

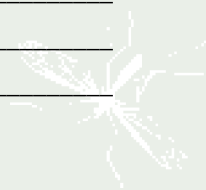
City: _____ State: _____ ZIP: _____

Type of Current License: _____

Branch of Pest Control: _____

Home Phone: _____ Work Phone: _____

Please return this information as soon as possible to:
Structural Pest Control Board
1418 Howe Avenue, Suite 18
Sacramento, CA 95825-3204



STRUCTURAL PEST CONTROL BOARD

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STRUCTURAL PEST CONTROL BOARD NEWS

NOVEMBER 2000



DELINQUENT RENEWALS

September 30, 2000, was the final renewal deadline for those licensees whose licenses expired June 30, 2000. Licensees who did not renew must retest and obtain a new license.

2000 EXAMINATION CALENDAR

Examination Dates		Final Filing Date
November	27, 28, 29, 30	November 10
December	26, 27, 28, 29	December 12

Note: These dates may change subject to the availability of adequate facilities. Examinations are conducted in Sacramento and San Bernardino. For more information call 916-263-2544.

STRUCTURAL PEST CONTROL BOARD'S TOLL-FREE LINE: 800-PEST-188

Our toll-free 800 number was first established in 1994. Designed with the consumer in mind, this line gives consumers the convenience of a toll-free number to seek information, have questions answered, or register complaints regarding a pest control company or licensee. However, we can no longer transfer calls to our Licensing or Administration units. For calls regarding a licensing issue, call our Licensing Unit at 916-263-2544. Our Administration phone number is 916-263-2540.